

IN THE COUNTY COURT AT LAW NUMBER SIX  
EL PASO COUNTY, TEXAS

WESTAR INVESTORS GROUP, LLC,	)	
SUHAIL BAWA, and SALEEM MAKANI,	)	
	)	
Plaintiffs	)	
	)	
v.	)	No. 2020DCV0914
	)	
	)	
THE GATEWAY VENTURES, LLC,	)	
PDG PRESTIGE, INC., MICHAEL DIXSON,	)	
SURESH KUMAR, and BANKIM BHATT,	)	
	)	
Defendants.	)	

**MOTION TO WITHDRAW AS COUNSEL**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Texas Rule of Civil Procedure 10, CHANTEL CREWS of the law firm of AINSA HUTSON HESTER & CREWS LLP (“Counsel”), attorney of record for THE GATEWAY VENTURES, LLC, PDG PRESTIGE, INC., and MICHAEL DIXSON (“Mr. Dixon”) (collectively, “The Gateway Defendants”) files this Unopposed Motion to Withdraw as Counsel for Defendants.<sup>1</sup> Good cause exists for the withdrawal of Counsel at this time due to the following:

**I. BACKGROUND**

1. This case was filed on March 10, 2020, and The Gateway Defendants filed an Answer on May 4, 2020. The Gateway Defendants had previously engaged the undersigned Counsel and her firm to represent them in related litigation to this case and involving the same property at issue in this case. The Gateway Defendants engaged the undersigned Counsel and her

<sup>1</sup> This motion is titled “Unopposed” due to the concurrence of opposing counsel as noted herein at paragraph 11.

firm in the case at bar based on the agreement that payment would be required for legal services provided on behalf of The Gateway Defendants, as well as Defendant Mr. Dixon and other business entities in other legal matters. Contrary to The Gateway Defendants' agreement with the undersigned Counsel, however, The Gateway Defendants have failed to abide by the terms of the undersigned Counsel's engagement agreement and have not paid the outstanding invoices in this matter and other legal matters. This has created a great financial hardship for the undersigned Counsel, and continued representation of The Gateway Defendants would create an even greater financial hardship for the undersigned Counsel.

3. Furthermore, the lines of communication between the undersigned Counsel and The Gateway Defendants have been irreparably strained to the point that continued representation would be untenable for the undersigned Counsel. Also, The Gateway Defendants have contacted opposing parties without the knowledge of the undersigned Counsel and without the knowledge and consent of opposing counsel.

## **II. ARGUMENT:**

4. An attorney may withdraw from representing a party upon written motion for good cause shown. TEX. R. CIV. P. 10. The Texas Disciplinary Rules of Professional Conduct provide considerations relevant to a good cause determination supporting a Rule 10 motion to withdraw, such as the following:

- The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services, including an obligation to pay the lawyer's fee as agreed, and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; or
- The representation will result in an unreasonable financial burden on the lawyer; or
- The representation has been rendered unreasonably difficult by the client; or
- Other good cause for withdrawal exists.

*See* TEX. DISCIPLINARY R. PROF. CONDUCT 1.15(b)(5)-(7).

A. Good Cause Exists for Withdrawal

5. Good cause exists for the undersigned Counsel to withdraw in this matter as the circumstances between the undersigned Counsel and The Gateway Defendants meet the provisions in the Texas Disciplinary Rules of Professional Conduct. First, Defendants have not paid the undersigned Counsel's outstanding invoices in this matter. The undersigned Counsel has provided notice of intent to withdraw from this matter and all other matters where the undersigned Counsel has represented Defendant Mr. Dixon and his business entities on October 23, 2020, then again on December 9, 2020, and then again on January 21, 2021. The undersigned Counsel's outstanding invoices still remain unpaid causing great financial hardship on the undersigned Counsel. There is no question Defendants have been on notice regarding the financial issues raised in this motion to withdraw for at least the past three months. Defendants have been fully aware of their payment obligations in this matter since the beginning of the undersigned Counsel's involvement in this matter.

6. Furthermore, representation in this matter has been rendered unreasonably difficult by Defendants based on failure of communication and based on The Gateway Defendants' unilateral conduct of contacting Plaintiffs without the undersigned Counsel's knowledge and without the consent from Plaintiffs' counsel.

B. No Prejudice to Plaintiffs or Defendants

7. This case has not been set for trial. The parties have engaged in some written discovery. Defendant The Gateway Ventures, LLC filed Chapter 11 Bankruptcy proceedings on February 2, 2021. The undersigned Counsel is not involved in those proceedings. Counsel for Defendant Kumar filed a Suggestion of Bankruptcy on February 2, 2021, and the case is currently

stayed. Counsel has agreed, however, that this Motion to Withdraw is not subject to the automatic stay of proceedings.

C. Compliance with TEX. R. CIV. P. 10

8. A copy of this Motion has been sent to Mr. Dixon individually and on behalf of all Defendants via electronic mail at [mike@pdgnm.com](mailto:mike@pdgnm.com) and via Certified and U.S. Mail at 5996 Ojo de Agua, El Paso, Texas 79912 and at 780 N. Resler Drive, Suite B, El Paso, TX 79912, on January 28, 2021. A draft of this Motion was sent before this Motion was filed, and set forth in writing Defendants' right to object or consent to this Motion (certified mailing receipts have been returned to the undersigned Counsel). As of filing this Motion, Defendants have not indicated or communicated whether they consent to or object to this Motion. The undersigned Counsel also provided all known remaining deadlines in this matter to Defendants. *See* Ex. 1, attached. The last known mailing address for Defendants The Gateway Ventures, LLC and PDG Prestige, Inc. is 780 N. Resler, Suite B, El Paso, TX 79912. Defendant Mr. Dixon's last known mailing address is 5996 Ojo de Agua, El Paso, Texas 79912. The undersigned Counsel has also provided all known remaining deadlines in this matter to Defendants.

D. All Counsel Unopposed to Motion

9. The undersigned Counsel has consulted with counsel for Plaintiff, counsel for Defendant Kumar, and counsel for Defendant Bhatt regarding this Motion to Withdraw. All counsel indicated they do not oppose this Motion to Withdraw.

WHEREFORE, PREMISES CONSIDERED, CHANTEL CREWS of the law firm AINSA HUTSON HESTER & CREWS LLP respectfully request the Court to permit her to withdraw as attorney of record for Defendants.

Respectfully submitted,  
AINSA HUTSON HESTER & CREWS, LLP  
5809 Acacia Circle  
El Paso, TX 79912  
(915) 845-5300  
(915) 845-7800 FAX

By: /s/ Chantel Crews  
Chantel Crews  
State Bar No. 24007050  
[ccrews@acaciapark.com](mailto:ccrews@acaciapark.com)  
Attorneys for The Gateway Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was sent via the Court's efiletexas.gov system and/or via email or mail this 10<sup>th</sup> day of February, 2021, to the following attorneys of record:

**Via Electronic Mail:**

Eric C. Wood  
[eric@brownfoxlaw.com](mailto:eric@brownfoxlaw.com)  
8111 Preston Road, Ste. 300  
Dallas, Texas 75225

**Via Electronic Mail:**

Harrel L. Davis, III  
Gordon Davis Johnson & Shane, P.C.  
4695 N. Mesa St.  
El Paso, Texas 79912

**Via Electronic Mail:**

Jeff T. Lucky  
Ray Pena McChristian, PC  
5822 Cromo Dr.  
El Paso, Texas 79912

/s/ Chantel Crews  
CHANTEL CREWS

**Westar Investors Group, LLC, Suhail Bawa, and Saleem Makani v. The Gateway Ventures, LLC, PDG Prestige, Inc., Michael Dixon, Suresh Kumar, and Bankim Bhatt**, In the County Court at Law No. 6, El Paso County, Texas; Cause No. 2020DCV0914.

As discussed previously, depositions of plaintiffs were noticed by Defendant Bhatt for February 10-12, 2021 in Dallas (notices attached). Depositions will be in person, but there will likely be a Zoom option.

Opposing counsels' contact information:

Eric C. Wood  
Brown Fox PLLC  
5550 Granite Parkway, Suite 175  
Plano, Texas 75204  
(214) 327-5000  
(214) 327-5001 Fax  
[eric@brownfoxlaw.com](mailto:eric@brownfoxlaw.com)  
Counsel for Plaintiffs

Harrel L. Davis, III  
Gordan Davis Johnson & Shane, P.C.  
4695 N. Mesa St.  
El Paso, Texas 79912  
(915) 545-1133  
[hdavis@eplawyers.com](mailto:hdavis@eplawyers.com)  
Counsel for Defendant Suresh Kumar

Jeffrey T. Lucky  
Ray Peña McChristian, PC  
5822 Cromo Dr. #400  
El Paso, Texas 79912  
(915) 356-3500  
(915) 832-7333 Fax  
[jlucky@raylaw.com](mailto:jlucky@raylaw.com)

Court contact information:

County Court at Law No. 6  
El Paso County, Texas  
Hon. Sue Kurita  
500 E. San Antonio, Ste. 1106  
El Paso, Texas 79901  
(915) 543-3868  
(915) 543-3830 Fax  
[dgutierrez@epcounty.com](mailto:dgutierrez@epcounty.com) – Dolores Gutierrez, Court Coordinator